

REMARKS

Prior to the present amendment, claims 1,2 and 5-13 were pending in the present application. By the present amendment, claims 1, 2, and 4 have been cancelled. Therefore, claims 6-13 are pending. Applicants reserve the right to prosecute these claims in a continuing application that claims priority to the present application.

Claim 5 has been amended to recite that the biodegradable material is wound into a helical configuration "around a winding center having an axis, wherein said helical configuration is capable of imparting a force in a direction perpendicular to the axis of said winding center." Support for this claim amendment can be found on page 4, line 8 to line 17 and page 23, line 9-10. Claims 6-13 stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by U.S. Patent No. 4,610,688 to Silvestrini ("Silvestrini) in view of U.S. Patent No. 4,279,249 to Vert ("Vert") or U.S. Patent No. 4,743,257 to Tormala ("Tormala").

Claims 6-13 Are Not Rendered Obvious By Silvestrini in View of Vert or Tormala

Silvestrini does not teach or suggest a biodegradable material wound into a helical configuration around a winding center having an axis, wherein said helical configuration is capable of imparting force in a direction perpendicular to the axis of said winding center, as recited by the present claims. Silvestrini describes a tubular prosthesis of a triaxially-braided fabric element. There is no description that this prosthesis is wound such that it can impart force in a direct perpendicular to the axis of said winding center.

Neither Tormala nor Vert make up for this deficiency. For example, the fiber bundles described in Tormala do not have the capability of imparting a force in a direction perpendicular to the axis of the winding center. Vert does not disclose a biodegradable material having a helical configuration, let alone one that is capable of imparting force in a direction perpendicular to the axis of a winding center.

For at least these reasons, Applicants submit that a *prima facie* of obviousness has not been established as none of the cited references alone or in combination teach each and every element of the claims.


CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

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By: Zeba Ali
(Reg. No. 51,392)

1500 K Street, N.W.
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201

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